

Attorney Docket No.: 50277-1003  
 Client Docket No.: OID-2000-207-01

*Patent*

### **DECLARATION FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below, next to my name.

I believe I am the original, first, and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

#### **DISASTER RECOVERY WITH BOUNDED DATA LOSS**

the specification of which is attached hereto.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment referred to above.

I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 (copy attached).

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d), on any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)			Priority Claimed	
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below:


I hereby claim benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 (copy attached) which became available between the filing date of the prior application and the national or PCT International filing date of this application:

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are

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punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of First Inventor (Given name, FAMILY NAME): Mahesh GIRKAR

Inventor's Signature  Date May 3, 2001

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**Full Name of Second Inventor (given name, FAMILY NAME):** Richard J. ANDERSON

**Inventor's Signature** \_\_\_\_\_ **Date** \_\_\_\_\_

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Full Name of Third Inventor (given name, FAMILY NAME): Steve LEE

**Inventor's Signature** \_\_\_\_\_ **Date** \_\_\_\_\_

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**Full Name of Fourth Inventor (given name, FAMILY NAME):** Joydip KUNDU

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

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Inventor's Signature Richard J. Anderson Date 5/3/01

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**Title 37, Code of Federal Regulations, Section 1.56**  
**Duty to Disclose Information Material to Patentability**

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Mahesh GIRKAR et al.

Application No.:

Filed:

Attorney Docket No.: 50277-1003  
Client Docket No.: OID-2000-207-01

Group Art Unit:

Examiner:



For: DISASTER RECOVERY WITH BOUNDED DATA LOSS

Assistant Commissioner for Patents  
Washington, D.C. 20231

**POWER OF ATTORNEY AND  
REVOCATION OF PREVIOUS POWERS**

Dear Sir:

Oracle Corporation, a Delaware corporation having a place of business at 500 Oracle Parkway, M/S 5op7, Redwood Shores, CA 94065, certifies pursuant to 37 CFR § 3.73(b) that to the best of its knowledge and belief it is the assignee or is entitled to ownership of the entire right, title, and interest in and to the above-referenced patent application by virtue of an Assignment filed concurrently herewith and represents that the undersigned is a representative authorized and empowered to sign on behalf of Oracle Corporation, which hereby revokes all powers of attorney previously given and appoints the following attorney(s) and/or agent(s): Stephen C. Carlson, Reg. No. 39,929; Phouphanomketh Dithavong, Reg. No. 44,658; Raymond J. Ho, Reg. No. 41,838; and Robert H. Whisker, Reg. No. 27,844, all of

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and Sanjay Prasad, Reg. No. 36,247; Roger Kennedy, Reg. No. 44,823; all of ORACLE CORPORATION with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Send all future correspondence to the attention of Stephen C. Carlson, Reg. No. 39929, care of the above address and direct all telephone calls to the same at 703-425-8516.

Assignee of Interest:

ORACLE CORPORATION

Dated: May 4, 2001

By: Michael A. Gelblum

Name: Michael A. Gelblum

Title: Senior Patent Counsel

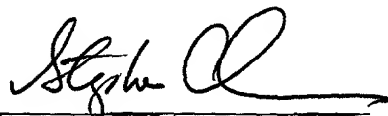
Address of Assignee of Interest:

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500 Oracle Parkway, M/S 50p7  
Redwood Shores, CA 94065

Respectfully Submitted,

DITTHAVONG & CARLSON, P.C.

Dated: 5/10/01



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